

In the Drawings:

Please replace the drawing sheet for FIGS. 2A and 2B with the enclosed replacement drawing sheets.

Enclosure: Two (2) Replacement Drawing Sheets

Remarks

Claims 1, 2, 6, 9, 11 and 12 have been amended and no claims have been canceled. Accordingly, claims 1 to 13 remain pending in this application. Applicants now address each and every point raised by the Examiner in the above-identified Office action as follows:

I. Information Disclosure Statement

Applicants acknowledge the Examiner's comment regarding the references cited in the patent application and are enclosing herewith as a separate document an Information Disclosure Statement including these noted references.

II. Objection to the Drawings

Applicants are enclosing herewith a replacement drawing sheets for FIGS. 2A and 2B that have been amended to include the reference numeral 20. Applicants respectfully request that the existing drawing sheets for FIGS. 2A and 2B be substituted with these replacement drawing sheets, and that this objection be reconsidered and withdrawn.

III. Claim Objections

Claims 2 and 6 have been objected to for informalities noted by the Examiner. Applicants have amended these claims in the manner suggested by the Examiner and, in view thereof, respectfully request that the objection of these claims be reconsidered and withdrawn.

IV. Claim Rejection Under Section 112

Claims 1 to 13 have been rejected under 35 U.S.C. § 112 second paragraph. Applicants have amended independent claims 1 and 9 to remove the term questioned by the Examiner and

respectfully request that the rejection of these claims under 35 U.S.C. § 112 be reconsidered and withdrawn.

V. Claim Rejection Under Section 103

Claims 1, 4, 9 and 12 have been rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Swearingen in view of Morrison. Applicants have amended independent claims 1 and 9 to clarify that its turbocharger includes vanes that have a composite construction on each of the first and second axial surfaces. Applicants further wish to clarify that the term "composite" as used within these claims, and as used within the written description, is understood to refer to the vane axial surface as having a construction comprising both solid and cored-out sections.

Swearingen fails to disclose or suggest a vane having an axial surface comprising the composite solid and cored-out surface features as recited in independent claims 1 and 9. Namely, the vane in Swearingen does not include an axial surface that includes a solid section that occupies at least 25 percent of the vane length extending from the leading edge towards the trailing edge. Thus, one skilled in the art aware of Swearingen would not be motivated to construct a vane as recited in Applicants' claims to include the axial surface feature as noted above.

Morrison is apparently relied upon for its alleged disclosure of a vane comprising a solid section formed from a ceramic matrix composite material. As noted briefly above, the term "composite" as recited in the claims is intended to refer to the surface feature of the vane axial surface as having both solid and cored out surface features. The term composite is not used in the claims or in the written description to refer to the

nature of the material that is used to form the vane axial surface.

Additionally, like Swearingen, Morrison too fails to disclose or remotely suggest the feature recited in Applicants' claims that the vane includes an axial surface that having a solid section (in conjunction with a cored-out section), wherein the solid section occupies at least 25 percent of the vane length extending from the leading edge towards the trailing edge. Thus, one having ordinary skill in the art aware of Morrison would not be motivated to construct a vane as recited in Applicants' claims to include the axial surface feature as noted above.

Because both Swearingen and Morrison both fail to disclose or remotely suggest the above noted claim feature, Applicants submit that the combination of these two references do not operate to suggest a claim feature that is missing in each. Therefore, one of ordinary skill in the art aware of both Swearingen and Morrison would not be motivated by the combination of these two references to construct a vane as recited in Applicants' claims to include the axial surface feature as noted above.

For these reasons, Applicants submit that its invention as recited in independent claims 1 and 9 are not obvious based on the combination of Swearingen and Morrison, and respectfully request that the rejection of these claims, as well as claims 4 and 12 depending respectively therefrom, under 35 U.S.C. § 103 be reconsidered and withdrawn.

VI. Allowable Subject Matter

Claims 2, 3, 5 to 8, 10, 11 and 13 have been identified as being allowable if rewritten into independent form. Applicants acknowledge with appreciation that allowability of these claims,

however, believe that independent claims 1 and 9 are properly allowable for the reasons presented above. In view thereof, Applicants wish to pursue the allowance of these claims in their current form as they depend from such independent claims.

VII. Conclusion

For the reasons presented above, Applicants respectfully request that the objection to the drawings and claims, and the rejections of the claims under 35 U.S.C. §§ 112 and 103 be reconsidered and withdrawn, and that claims 1 to 13 pending in this patent application be passed to allowance.

Respectfully submitted,

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